

Message Text

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ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 FEA-01 ACDA-10 AGR-10 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-02 COME-00 DODE-00

DOT-00 EB-07 EPA-04 ERDA-07 FMC-02 TRSE-00 H-02

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OES-06 OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15 USIA-15

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC PRIORITY 8848

UNCLAS SECTION 1 OF 2 USUN 3425

FROM US DEL LOS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: GENERAL COMMITTEE REPORTING CABLE

SUMMARY: ACTING CONF. PRESIDENT EVENSEN CHAIRED MEETING OF GENERAL COMMITTEE ENTIRE MORNING AUGUST 23 TO CONSIDER (A) REPORTS OF COMMITTEE CHAIRMEN AND (B) PROPOSALS FOR FUTURE WORK INCLUDING POSSIBLE CREATION BY CONFERENCE LEADERSHIP OF NEW SINGLE, UNIFIED, CONSOLIDATED TEXT. US URGED POSTPONING DECISION ON ELEVATING STATUS OF TEXT UNTIL TIME PERMITS EVALUATION OF THIS SESSION'S WORK. IN ADDITION, US TOOK A STRONG POSITION THAT NEGOTIATIONS MUST BE SPEEDED UP OR THIS SESSION WOULD END IN A FAILURE. PERU AND CHILE SUPPORTED PRESIDENT'S SUGGESTION, BUT MAJORITY OF INTERVENTIONS EXPRESSED VIEW THAT IT IS PREMATURE NOW TO DECIDE TO CONSOLIDATE TEXTS AND THAT THE WORK OF THE CONFERENCE MUST ADVANCE AT A MORE RAPID PACE. SOVIETS SIGNALLED FURTHER CONCESSION TO COASTAL STATES ON SCIENTIFIC RESEARCH.

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END SUMMARY.

1; GENERAL COMMITTEE MET ENTIRE MORNING 23 AUGUST UNDER CHAIRMANSHIP OF ACTING CONF. PRESIDENT EVENSEN TO CONSIDER TWO AGENDA ITEMS: (A) REPORTS BY COMMITTEE CHAIRMEN AND (B) FUTURE WORK AND PROPOSALS FOR POSSIBLE CREATION OF NEW TEXT.

2. COMMITTEE CHAIRMAN (ENGO) REPORTED THAT DETAILS OF WORKSHOP PROGRESS ARE CONTAINED IN UN DOCUMENTS (A/CONF/62/C.I/WR 1 AND 2). HE EXPRESSED CONCERN THAT OPEN-ENDED NEGOTIATIONS ARE TOO SLOW AND NEGOTIATIONS MAY BE NECESSARY IN SMALLER GROUPS TO BE EFFECTIVE. COMMITTEE HAS REQUESTED UN SECRETARIAT FOR TWO STUDIES: (A) PRELIMINARY NOTE ON ALTERNATIVE MEANS TO FINANCE THE ENTERPRISE AND (B) ASSESSMENT OF COST OF THE AUTHORITY AS DEFINED BY WORK OF THIS SESSION. BOTH STUDIES ARE TO BE WITHOUT PREJUDICE TO OUTCOME OF NEGOTIATIONS. ENGO, REPEATEDLY REFERRING TO DIFFICULTIES IN COMMITTEE DECISIONS, APPEALED TO DELEGATIONS THAT URGENCY REQUIRES PRESENCE OF THOSE EMPOWERED TO NEGOTIATE TO BE PRESENT IN DELIBERATIONS TO ALLOW NEXT SESSION TO BE DECISION MAKING.

3. ACTING COMMITTEE CHAIRMAN NJENGA (KENYA) REPORTED THAT THE COMMITTEE HAD AUTHORIZED EACH OF THE THREE WORKING GROUPS TO ESTABLISH SMALL, INFORMAL CONSULTING GROUPS TO EXPEDITE NEGOTIATIONS. FUTURE WORK WOULD CONTINUE IN THIS STRUCTURE OF NEGOTIATING GROUPS AND INFORMAL GROUPS ON THE FOUR MAIN ISSUES. IN THE SIXTH WEEK THE COMMITTEE INTENDS TO CONSIDER OTHER ISSUES INCLUDING STRAITS USED FOR INTERNATIONAL NAVIGATION. NJENGA SAID HE SHARES AGUILAR'S OPTIMISM THAT PRESENT PROGRESS WOULD MEAN A SUCCESSFUL SESSION.

4. COMMITTEE III CHAIRMAN YANKOV (BULGARIA) SAID PROBLEMS REMAIN BUT PROGRESS IS ENCOURAGING. SMALL NEGOTIATING GROUP WILL MEET ALL THIS WEEK TO CONSIDER NUMEROUS PROPOSALS ON VESSEL SOURCE POLLUTION IN ATTEMPT TO REACH COMPROMISE. YANKOV OPINED RSNT ON MARINE POLLUTION, ESPECIALLY VESSEL SOURCE POLLUTION CONSTITUTES MOST RELIABLE BASIS FOR NEGOTIATIONS.

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TIATION. AFTER 27 AUGUST HE INTENDS FEW DAY CONSIDERATION OF TECHNOLOGY TRANSFER AND THEN CONSIDERATION OF QUOTE OTHER ITEMS UNQUOTE. YANKOV NOTED LACK OF NEGOTIATING ROOM AND URGENCY OF TIME AND SAID HE WAS TRYING TO PREVENT IMPASSE WHICH WOULD BE DETRIMENTAL TO ENTIRE CONFERENCE. YANKOV THEN SAID COMMITTEE CHAIRMEN SHOULD NOT BE EXPECTED TO SIMPLY PRODUCE A REVISED RSNT. INSTEAD, HE SUGGESTED THE CONFERENCE PRESIDENT IN COOPERATION WITH COMMITTEE

CHAIRMEN AND PERHAPS OTHER CONFERENCE OFFICERS SHOULD PRODUCE A NEW TEXT TO FORM THAT BASIS OF COMPROMISE AND PACKAGE. (COMMENT. DEBATE ON THIS PROPOSAL IS BELOW).

5. EVENSEN SAID INFORMAL PLENARY WAS MEETING TWICE DAILY ON DISPUTE SETTLEMENT WITH GOOD PROGRESS. FEW DAYS THIS WEEK WOULD BE ON CRUCIAL ARTICLE 18 AND IT IS ESSENTIAL TO CONCLUDE CONSIDERATION OF PART IV BY END OF THIS WEEK TO ENABLE PLENARY TO TAKE UP PREAMBLE AND FINAL CLAUSES.

6. EVENSEN THEN PROCEEDED TO AGENDA ITEM TWO AND SAID HE BELIEVED ALL DELEGATIONS HOPED FOR CONCRETE RESULTS FROM THIS SESSION. HE SAID IT WAS NOT REALISTIC TO CONCLUDE WORK THIS SESSION AS DIFFICULT PROBLEMS REQUIRED MORE TIME FOR NEGOTIATION, BUT UNLESS SOMETHING MORE THAN A FOUR PART RSNT IS PRODUCED THE PROGRESS THUS FAR IS JEOPARDIZED. HE PROPOSED THE CREATION OF A CONSOLIDATED TEXT DRAFTED BY PRESIDENT AND COMMITTEE CHAIRMEN BY END OF THIS SESSION AS ONLY WAY TO GIVE COMPREHENSIVE VIEW TO NEXT SESSION. STATUS OF TEXT (FORMAL OR INFORMAL) SHOULD BE DECIDED BY CONFERENCE. TWENTY-TWO DELEGATIONS THEN COMMENTED ON THIS YANKOV-EVENSEN, (AND PRESUMABLY AMERERASINGHE, IN ABSENTIA), PROPOSAL. REACTIONS CAN BE ROUGLY PLACED IN THREE CATEGORIES. PERU AND CHILE FAVORED THE PROPOSAL AND ADDED THAT TEXT MAY HAVE TO HAVE FORMAL STATUS. ICELAND, FIJI, CAR AND CAMEROON FAVORED IT BUT WERE EITHER SILENT ON STATUS OR RECOMMENDED IT REMAIN INFORMAL. IN SECOND CATEGORY WERE THOSE FAVORING CONSOLIDATED TEXT AT END OF SESSION BUT BELIEVE IT PREMATURE TO DECIDE QUESTION AT THIS STAGE. IN THIS GROUP WERE CANADA, MADAGASCAR, SINGAPORE, AND ZAMBIA. IN LAST GROUP WERE THOSE WHO INDICATED QUESTION SHOULD BE POSTPONED UNTIL AGENDA ITEMS IN COMMITTEES WERE FULLY CONSIDERED. THSES WERE: UMS., TUNISIA, TURKEY, EGYPT, UK, USSR, POLAND, AND UNCLASSIFIED

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MOST HOSITLE, AUSTRALIA, JAPAN, FRANCE AND FRG. (COMMENT. EVENSEN MADE NO ATTEMPT TO SUMMARIZE DEBATE BUT LEFT CLEAR IMPRESSION ISSUE WOULD BE TAKEN UP AGAIN NEXT WEEK AFTER AMERASINGHE'S RETURN. DEBATE GENERALLY TOOK FORM THAT THOSE ADVOCATING CONSOLIDATED TEXT WARNED AGAINST THE VETO OF THE MINORITY AND THOSE FOR POSTPONING DECISION REFERRED TO TYRANNY OF THE MAJORITY AND NEED FOR CONSENSUS. ALGERIA OPPOSED BECAUSE TEXT NOW DOES NOT SUFFICIENTLY REFLECT DEMAND FOR NEW ECONOMIC ORDER. END COMMENT.)

7. US STATEMENT. AMBASSADOR LEARSON SAID IF DELEGATIONS HAD TO SUBMIT FINAL REPORTS TO GOVERNMENT AT THIS STAGE SOME WOULD CALL CONFERENCE A FAILURE. PROBLEMS ARE BOTH PROCEDURAL AND SUBSTANTIVE BUT MOST TROUBLESOME IS UNWILLINGNESS OF SOME TO MAKE HARD DECISION TO RESOLVE MAJOR OUT-

STANDING ISSUES. IN FACT THERE APPEARS TO BE RETROGRESSION TO EARLIER STAGES OF THE CONFERENCE. THERE ARE CLEAR LIMITS TO U.S. WILLINGNESS TO NEGOTIATE AND THERE IS NO POINT IN DRIFTING TOWARD TREATY THAT COULD NOT BE WIDELY ACCEPTED.

"AT THE SAME TIME, WE FIRMLY BELIEVE THAT THE BASIS FOR A WIDELY ACCEPTABLE TREATY DOES EXIST, AND CAN BE FOUND IF WE FOCUS ON THE REAL NATIONAL INTERESTS OF ALL CONCERNED THAT MUST BE ACCOMMODATED. THESE INTERESTS ARE BEING DISTORTED BY GROUP DYNAMICS, WHICH ARE PULLING US FURTHER APART -- MUCH FURTHER APART THAN INDIVIDUAL NATIONAL INTERESTS REALLY ARE. A TREATY THAT HAS LIFE AND VITALITY MUST BE ONE THAT REFLECTS THE NEEDS AND INTERESTS OF ALL NATIONS TODAY, AND, MORE IMPORTANT, IN THE FORESEEABLE FUTURE.

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SAL-01 AF-08 ARA-10 EA-09 EUR-12 NEA-10 /190 W

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P 251745Z AUG 76

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FROM US DEL LOS

8. SOVIET STATEMENT. KOZYREV MADE STATEMENT (WIDELY DISTRIBUTED IN ENGLISH TEXT; COPIES POUCHED TO DEPARTMENT AND AMEMB MOSCOW), THAT NOTED SLOW PACE, ACTUAL STANDSTILL IN COMMITTEE 1, AND EVEN RETROGRESSION CAUSED BY

THOSE STATES WHICH TOOK UNILATERAL ACTION AND ARE NOW ATTEMPTING TO IMPOSE SOLUTION INSTEAD TO COMPROMISING. HE URGED NEGOTIATIONS BETWEEN GROUPS TO REACH MUTUALLY ACCEPTABLE SOLUTIONS. "THIS WORK SHOULD BE CARRIED OUT IN STRICT COMPLIANCE WITH THE PRINCIPLES OF CONSENSUS AND "PACKAGE" WHICH SERVED AS GUIDELINES FOR THE WORK OF THE CONFERENCE AT ITS PREVIOUS SESSIONS. AS A RESULT OF SUCH WORK THE CONFERENCE COULD, BY THE END OF THE CURRENT SESSION, FIRST AT THE COMMITTEE LEVEL AND THEN AT THE PLENARY LEVEL, PREPARE A CONSOLIDATED DRAFT CONVENTION WHICH WAS REFERRED TO AT THE PREVIOUS MEETING. NATURALLY, AS WAS NOTED BY MANY PARTICIPANTS AT THE BEGINNING OF THIS SESSION THE PREPARATION OF SUCH CONSOLIDATED DRAFT SHOULD BE CARRIED OUT IN ACCORDANCE WITH COLLECTIVE METHODS

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UNDER THE LEADERSHIP OF THE PRESIDENT OF THE CONFERENCE WITH THE PARTICIPATION OF THE CHAIRMEN OF THE COMMITTEES, RAPPORTEUR-GENERAL AND BUREAU MEMBERS OF THE COMMITTEES. CERTAINLY THIS WORK SHOULD BE CARRIED OUT ALSO TAKING INTO ACCOUNT THE NEGOTIATIONS CONDUCTED IN THE COMMITTEES. I WOULD LIKE TO STRESS THAT WHAT IS MEANT IS WORKING OUT A "PACKAGE" SOLUTIONS OF ALL MAIN ISSUES, I.S. THE DRAFT OF THE WHOLE CONVENTION AND NOT JUST ANY PART OF IT. IT MAY CERTAINLY BE CASE THAT THE TIME WOULD NOT ALLOW US TO ACCOMPLISH THAT THE CURRENT SESSION. IF SO, WE SHALL COMPLETE SUCH CONSOLIDATION AT THE NEXT SESSION." "THE CONFERENCE THAT FOR THE PURPOSE OF WORKING OUT A "PACKAGE" OF MUTUALLY ACCEPTABLE SOLUTIONS OF ALL MOST IMPORTANT ISSUES OF THE LAW OF THE SEA OUR GROUP WOULD BE READY TO CONSIDER UNDERSTANDINGLY THE POSITION EMERGED AT THE CURRENT SESSION OF THE MAJORITY OF THE PARTICIPANTS OF THE CONFERENCE AND FIRST OF ALL THAT OF THE DEVELOPING COUNTRIES, ON SUCH IMPORTANT FOR THEM AND STILL OUTSTANDING QUESTIONS AS THE REGIME OF SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE AND OUTER LIMIT OF THE CONTINENTAL SHELF, KEEPING NATURALLY IN MIND, THAT THE OTHER GROUPS, IN THEIR TURN, WILL DISPLAY UNDERSTANDING OF THE POSITION OF THE SOCIAL STATES ON OTHER KEY ISSUES OF THE LAW OF THE SEA TO BE AGREED UPON. SO, OUR GROUP BELIEVES THAT IN SPITE OF THE EXISTING DIFFICULTIES, THERE ARE PRACTICABLE PRECONDITIONS FOR ELABORATING MUTUALLY ACCEPTABLE SOLUTIONS ON THE ISSUES OF PART 1 OF THE DRAFT CONVENTION AS WELL. IN PARTICULAR, WE PRESUME THAT AGREEMENT COULD BE REACHED ON THE BASIS OF THE RECOGNITION OF AT LEAST THE FOLLOWING MAIN PROVISIONS: THE RIGHT OF THE INTERNATIONAL SEA-BED AUTHORITY TO EXPLOIT SEA-BED RESOURCES, THE RIGHT OF THE STATES TO CONDUCT THE SAME KIND OF ACTIVITIES, THE RIGHT OF THE INTERNATIONAL AUTHORITY TO IMPLEMENT NECESSARY MEASURES AIMED AT PREVENTING ADVERSE ECONOMIC EFFECTS OF SEA-BED MINERAL PRO-

DUCTING ON THE EXPORTING COUNTRIES AND FIRST OF ALL ON THE
DEVELOPING COUNTRIES. THAT UNDOUBTEDLY APPLIES TO THE
ESTABLISHMENT OF A COMPENSATORY SYSTEM OF ECONOMIC ASSIS-
TANCE.

ONLY SUCH APPROACH TO THE SOLUTION OF ISSUES OF THE COM-
MITTEE I WILL ENSURE TO INALIENABLE RIGHT OF EVERY PEOPLE
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TO UTILIZE RESOURCES OF THE INTERNATIONAL SEA-BED AREA IN
THE INTERESTS OF THE PRESENT AND FUTURE GENERATIONS.
ONLY SUCH APPROACH WILL ALLOW TO EXCLUDE THE POSSIBILITY
OF THE MONOPOLIZATION OF THE SEA-BED MINERAL RESOURCES BY
MULTINATIONAL IMPERIALIST CORPORATIONS AS THEY HAD DONE IN
THE PAST ON THE LAND, HAVING SIEZED OIL, COPPER, GOLD AND
OTHER NATURAL RESOURCES IN ALMOST ALL PARTS OF THE WORLD."
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